PATENT COOPERATION TREATY REC'D 27 JUL 2005 From the INTERNATIONAL SEARCHING AUTHORITY WRITTEN OPINION OF THE see form PCT/ISA/220 INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet) Applicant's or agent's file reference FOR FURTHER ACTION See paragraph 2 below see form PCT/ISA/220 Priority date (day/month/year) International filing date (day/month/year) International application No. 20.04.2004 15.04.2005 PCT/B2005/051245 International Patent Classification (IPC) or both national classification and IPC G11B7/24, G11B7/135 KONINKLIJKE PHILIPS ELECTRONICS N.V. This opinion contains indications relating to the following items: Basis of the opinion Box No. I ☐ Box No. II Priority Non-establishment of opinion with regard to novelty, inventive step and industrial applicability ☐ Box No. III Lack of unity of invention ☐ Box No. IV Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial Box No. V applicability; citations and explanations supporting such statement Certain documents cited ☐ Box No. VI Certain defects in the international application ☐ Box No. VII ☐ Box No. VIII Certain observations on the international application **FURTHER ACTION** If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to

submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:

will not be so considered.

Authorized Officer

European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465

Poth, H



	Box	No	. I Basis of the opinion		
1.	With the l	reg ang	gard to the language , this opinion has been established on the basis of the international application in juage in which it was filed, unless otherwise indicated under this item.		
		lan	s opinion has been established on the basis of a translation from the original language into the following guage , which is the language of a translation furnished for the purposes of international search der Rules 12.3 and 23.1(b)).		
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:				
	a. type of material:				
		3	a sequence listing		
	Ε.)	table(s) related to the sequence listing		
	b. format of material:				
		3	in written format		
		3	in computer readable form		
	c. time of filing/furnishing:				
		3	contained in the international application as filed.		
)	filed together with the international application in computer readable form.		
		כ	furnished subsequently to this Authority for the purposes of search.		
3.		has	addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto been filed or furnished, the required statements that the information in the subsequent or additional pies is identical to that in the application as filed or does not go beyond the application as filed, as propriate, were furnished.		
4.	Addi	itior	nal comments:		

International application No. PCT/IB2005/051245

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

Claims

1-16

No:

Inventive step (IS)

Yes: Claims

1-16

No: Claims

Industrial applicability (IA)

Yes: Claims

1-16

No: Claims

2. Citations and explanations

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY To: WRITTEN OPINION OF THE see form PCT/ISA/220 INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet) Applicant's or agent's file reference FOR FURTHER ACTION See paragraph 2 below see form PCT/ISA/220 Priority date (day/month/year) International filing date (day/month/year) International application No. 20.04.2004 15.04.2005 PCT/B2005/051245 International Patent Classification (IPC) or both national classification and IPC G11B7/24, G11B7/135 Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V. This opinion contains indications relating to the following items: Box No. 1 Basis of the opinion ☐ Box No. II Priority Non-establishment of opinion with regard to novelty, inventive step and industrial applicability ☐ Box No. III Lack of unity of invention ☐ Box No. IV Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial Box No. V applicability; citations and explanations supporting such statement Certain documents cited ☐ Box No. VI Certain defects in the international application Box No. VII Box No. VIII Certain observations on the international application **FURTHER ACTION** If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220. **Authorized Officer** Name and mailing address of the ISA:

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_	Box No. I Basis of the opinion
١.	With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
	This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
	a. type of material:
	□ a sequence listing
	☐ table(s) related to the sequence listing
	b. format of material:
•	in written format
	in computer readable form
	c. time of filing/furnishing:
	☐ contained in the international application as filed.
	☐ filed together with the international application in computer readable form.
	furnished subsequently to this Authority for the purposes of search.
3.	In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
	Additional comments:

International application No. PCT/IB2005/051245

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

1-16

No: Claims

Inventive step (IS)

Yes: Claims

1-16

No: Claims

Industrial applicability (IA)

Yes: Claims

1-16

No: Claims

2. Citations and explanations

₹ Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: US 5,614,938

2. As to claim 1, D1 describes how a change in the thickness of a spacer layer amounts to spherical aberration (cf. in D1 col.11 l.18-60).

D1, however, does not proceed to derive e.g. limits for the thicknesses of the spacer layers nor their weighted refractive indexes as presently claimed (cf. loc. cit.).

Thus, the subject-matter of claim 1 involves an inventive step.

This applies to claim 8 mutatis mutandis.

Further remarks

1. Claim 1 relates to a so called double pass transmission f which is, however, not defined in that claim; thus, claim 1 is not clear (Art.6).

This applies mutatis mutandis to claim 8.

- 2. Claim 8 being directed to a medium as such refers to the numerical aperture of a lens and the wavelength of a radiation with which that medium is to be used, but which do not form part of the medium as such; this is not clear (Art.6).
- 3. The present application refers to other patent applications without indicating their official numbers or the like (cf. p.4 l.22-25, p.28 l.12-16 and p.29 l.30). Thus, these references can not be maintained.

PATENT COOPERATION TREATY REC'D 27 JUL 2005 INTERNATIONAL SEARCHING AUTHORITY To: WRITTEN OPINION OF THE see form PCT/ISA/220 INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet) Applicant's or agent's file reference FOR FURTHER ACTION See paragraph 2 below see form PCT/ISA/220 Priority date (day/month/year) International filing date (day/month/year) International application No. 20.04.2004 15.04.2005 PCT/IB2005/051245 International Patent Classification (IPC) or both national classification and IPC G11B7/24, G11B7/135 KONINKLIJKE PHILIPS ELECTRONICS N.V. This opinion contains indications relating to the following items: Basis of the opinion Box No. I ☐ Box No. II Priority Non-establishment of opinion with regard to novelty, inventive step and industrial applicability ☐ Box No. III Lack of unity of invention ☐ Box No. IV Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial ☑ Box No. V applicability; citations and explanations supporting such statement Certain documents cited ☐ Box No. VI Certain defects in the international application ☐ Box No. VII □ Box No. VIII Certain observations on the international application **FURTHER ACTION** If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notifed the International Bureau under Rule 66.1 bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:

Authorized Officer

<u>a</u>))

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Poth, H



	Box N	lo. I Basis of the opinion			
1.	With r	With regard to the language, this opinion has been established on the basis of the international application in he language in which it was filed, unless otherwise indicated under this item.			
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International application No. PCT/IB2005/051245

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

1-16

No: Claims

Inventive step (IS)

Yes: Claims

1-16

No: Claims

Industrial applicability (IA)

Yes: Claims

1-16

No: Claims

2. Citations and explanations

PATENT COOPERATION TREATY

То:			PCT WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)		
see form I	PCT/ISA/220				
			Date of mailing (day/month/year) se	e form PCT/ISA/210 (second sheet)	
Applicant's or agent's file see form PCT/ISA/2			FOR FURTHER ACTION See paragraph 2 below		
International application I PCT/IB2005/051245	i	International filing date (d 15.04.2005		Priority date (day/month/year) 20.04.2004	
G11B7/24, G11B7/1		both national classification	and IPC		
Applicant KONINKLIJKE PHIL	IPS ELECTRO	ONICS N.V.			
Box No. I Box No. II Box No. III Box No. IV Box No. V Box No. VI Box No. VI Box No. VI	Basis of the op Priority Non-establish Lack of unity of Reasoned sta applicability; of Certain docum Certain defect	ment of opinion with regi of invention tement under Rule 43 <i>bis</i> itations and explanation:	ard to novelty, inventi s.1(a)(i) with regard to s supporting such sta	ive step and industrial applicability o novelty, inventive step or industrial stement	
written opinion of the applicant characteristics will not be so confirmed in the submit to the IF months from the whichever expired.	international pre of the Internation nooses an Authoureau under Rule onsidered. s, as provided ab PEA a written repedate of mailing	nal Preliminary Examining rity other than this one to 66.1 bis(b) that written of the cover, considered to be a soly together, where appropriate form PCT/ISA/220 or	be the IPEA and the opinions of this Intern	Il usually be considered to be a However, this does not apply where e chosen IPEA has notifed the ational Searching Authority IPEA, the applicant is invited to ents, before the expiration of three n of 22 months from the priority date,	
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1-16

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